IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.117 OF 2006

Mrs.Anita Atmaram Patil .. Petitioner

Vs.

The State of Maharashtra & Ors. .. Respondents

Mr.G.N.Salunke for the petitioner

Ms.P.S.Cardoz for the respondents

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 1ST AUGUST, 2007

P.C.:

1. Heard. Rule.

2. By consent, rule made returnable forthwith.

3. The petitioner is an elected member of Zilla Parishad from Kalamboli Constituency. This petition has been filed by the petitioner for directions to take immediate action to cure the flood problem in Sector 1 to 11 by raising the land

level of the said locality upto 4.65 to 5.1 metres from existing level of 2.2 to 2.7 meters.

3. According to the petitioner, the respondents have not carried out proper studies before development of said sectors at CIDCO Colony, Kalamboli, Navi Mumbai and the level of construction on land is at the sea level which has resulted in problems of flooding on the ground floor premises of the flats, shops and Bungalows thereat in the monsoons. The petitioner has in the alternative prayed for Writ of Mandamus directing the respondents to grant 1.5 FSI for redevelopment of the said sectors by demolishing the existing structures.

4. Considering the relief sought in the petition, we do not find that this is a fit case to call for intervention in a writ Jurisdiction of this court. The petitioner is at liberty to move the appropriate authorities. Petition is dismissed accordingly.

(J.N. PATEL, J)

(A.A. SAYED, J)